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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/650,752	08/29/00	YAMAMOTO	S 35.C14744

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**EXAMINER**

GRAINGER, Q

ART UNIT

PAPER NUMBER

2852

**DATE MAILED:**

10/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/650,752

Applicant(s)

YAMAMOTO ET AL.

Examiner

Quana Grainger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 22-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement filed 11-6-00 has been considered.

***Drawings***

3. The drawings are approved by the draftsman.

***Title***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 9-17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. The image forming apparatus by Bullock et al. comprises a developer container for containing developer; developer amount detecting means for detecting an amount of the developer contained said developer container; a memory for memorizing an information concerning the amount of the developer detected by said detecting means; and output means for outputting the information concerning the

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amount of the developer, wherein said output means outputs the information concerning the developer memorized in said memory until the detection results of said detecting means is confirmed (column 6, lines 28-57). An image forming apparatus wherein said output means outputs the information memorized in said memory immediately after the power source of said apparatus is inputted (column 2, lines 42-44; column 5, lines 58-67). An image forming apparatus wherein at least said developer container is detachably attachable to said apparatus, and said output means outputs the information memorized in said memory immediately after said developer container is inserted in said apparatus (column 5, lines 58-63). The image forming apparatus inherently further comprising a display, wherein the information outputted from said output means is indicated on said display (column 7, lines 13-23). An image forming apparatus wherein the information concerning a remained developer amount is a remained amount information (column 7, lines 13-23). An image forming apparatus wherein the information concerning developer amount is an information indicating that a remained developer amount is less than a predetermined amount (column 7, lines 13-23). The information concerning developer amount is an information indicating that no developer remains (column 7, lines 24-45). The information concerning developer amount is an information indicating that a remained developer amount is less than a predetermined amount and an information indicating that no developer remains (column 7, lines 13-45).

The image forming apparatus comprising a developer container (Figure 5) for containing developer; developer amount detecting means for detecting an amount of the developer contained in said developer container; a memory for memorizing a remained

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developer amount detected by said detecting means, remained amount information memorized in the memory being serially updated; and output means for outputting remained developer amount information, wherein said output means outputs either a remained developer amount information memorized in said memory or a remained developer amount information detected by said detecting means (column 7, lines 13-45). The output means outputs the remained amount information memorized in said memory until a detection results of said detecting means is confirmed column 5, lines 51-67). The output means outputs the remained amount information memorized in said memory immediately after the power source of said apparatus is inputted (column 2, lines 42-44; column 5, lines 58-67). The image forming apparatus wherein at least said developer container is detachably attachable to said apparatus, and said output means outputs the remained amount information memorized in said memory immediately after said developer container is inserted in said apparatus (column 4, lines 4-10). The image forming apparatus wherein, after a detection result of said detecting means is confirmed, said output means compares the remained amount information memorized in said memory with the remained amount information detected by said detecting means and outputs the information indicating the lesser amount (column 7, lines 13-45). The image forming apparatus further comprising a display, wherein the remained amount information outputted from said output means is indicated on said display (column 7, lines 13-24). The image forming apparatus further comprising comparing means for comparing the remained developer amount information memorized in said memory with the remained developer amount information to be detected by said detecting means,

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wherein said comparing means is provided in said video controller (column 7, lines 23-37).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4, 6, 7-8, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. in view of Sakurai et al. Bullock et al. does not discuss what occurs after the main door of the image forming device is closed. However, the examiner takes official notice that it is known in the art to initialize the image forming device after the main door is closed. The image forming apparatus wherein said output means outputs the information memorized in said memory immediately after a door of an apparatus main body is closed.

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Sakurai et al. teaches that it is known in the art to use a host with a printer which displays information about the operating state of the printer (column 6, lines 56-63). The image forming apparatus further comprising a video controller for developing image data transmitted from an external apparatus and producing an image signal, wherein said output means is provided in said video controller (Figure 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Bullock et al. with the image forming device of Sakurai et al. to provide usage and calibration data to be stored in a single wire memory module that is incorporated into a replaceable part (column 4, lines 4-17).

#### ***Prior Art of Record***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Helterline et al. teaches a replaceable unit.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana Grainger whose telephone number is 703 308-7616. The examiner can normally be reached on M-F 9-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 703 308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3230 for regular communications and 703 305-3230 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



OG  
October 1, 2001